REMARKS

Claim 10 has been amended to clarify the language and make it more evident how it "flows" from claim 1. This amendment does not introduce new matter and its entry is respectfully requested.

Response to Restriction Requirement and Applicants Traverse

Applicants hereby elect, without prejudice or disclaimer, Group I (claims 1-9 and 20-22) for continued examination. This election is made with traverse. The traverse is directed primarily to the restriction of claim 10 from Group I, considering that claim 10 is a method wherein the steps of claim 1 are carried out, and the product of that method (cells over-expressing IL-10) are then combined with an acceptable pharmaceutical carrier. Claims 10 is being amended herein in a minor way to emphasize its directed connection to claim 1. Amended Claim 10 (devoid of markings) reads as follows:

> 10. A method for producing a pharmaceutical composition comprising mononuclear cells overexpressing IL-10, which method comprises:
>
> (a) producing the mononuclear cells overexpressing IL-10 in accordance with claim 1, and
>
> (b) combining said cells with an acceptable pharmaceutical carrier.

The novelty and unobviousness of claim 10 lie in the first step (carrying out the method of claim 1). The step of "combining" a product, such as the cells produced in step (a), with a pharmaceutically acceptable carrier are conventional. Hence, a search of claim 10 would be totally co-extensive with the search of Group I, and would not be burdensome to the Examiner in any way of which Applicants can conceive. Because, claim 10 shares the unifying special technical feature present in claim 1, it would be proper to include it in Group I. The Examiner is respectfully requested to reconsider the restriction and to examine Claims 1-10 and 20-22. The remaining claims, 11-17 and 23 are hereby withdrawn from consideration (and designated so in the Listing of Claims, above). Claim 10 is not being designated as withdrawn, pending reconsideration as requested.

Based on the "definition" of Group I, above, the status of the "proliferating agents" other than the anti-CD3 antibody which appear in claim 6 (anti-CD28 antibody, phytohemagglutinin) is not clear to Applicants. The Action does not classify them as different species and does not require any election among them. Therefore, Applicants assume that, despite the language used to define Group I above (referring specifically to anti-CD3), these alterative embodiments will be examined.

The Examiner is requested to phone the undersigned at his direct line, **202-496-7845**, if a telephone discussion would help resolve any of the issues raised above.

If these papers are not considered timely filed by the Patent and Trademark Office, then a petition is hereby made under 37 C.F.R. §1.136, and any additional fees required under 37 C.F.R. §1.136 for any necessary extension of time, or any other fees required to complete the filing of this response, may be charged to Deposit Account No. 50-0911. Please credit any overpayment to deposit Account No. 50-0911. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: April 26, 2006

By_____

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